

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA	::	
	::	CRIMINAL ACTION FILE
v.	::	
	::	NO. 1:13-CR-469-JEC-AJB
EFREN HERNANDEZ-CRUZ,	::	
<i>a/k/a Efren Barrio-Cruz,</i>	::	
	::	
Defendant.	::	

**UNITED STATES MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

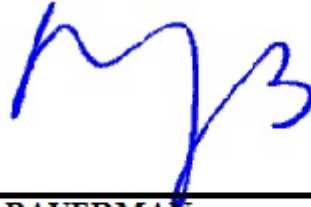
The defendant, by written consent, [Doc. ____], has appeared before me with counsel and has tendered a plea of guilty to the charge against him in the indictment, namely, violation of 8 U.S.C. § 1326(a). After cautioning and examining the defendant under oath concerning each of the subjects mentioned in FED. R. CRIM. P. 11, as well as any immigration consequences of his guilty plea, I have determined that (1) the defendant has knowingly, voluntarily and intelligently waived his constitutional rights, (2) his guilty plea was knowing and voluntary, and (3) the offense charged in the indictment to which he is pleading guilty is supported by an independent basis in fact establishing each of the essential elements of such offense.

I, therefore, **RECOMMEND** that the plea of guilty be **ACCEPTED** and that the defendant be adjudged guilty and have sentence imposed accordingly.

By separate order, the defendant is advised that his failure to file written objections to this Report and Recommendation within **fourteen (14)** days after service of a copy of this Report and Recommendation shall bar him from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

The Clerk is **DIRECTED** to terminate the referral to the undersigned.

IT IS SO RECOMMENDED and DIRECTED, this the 9th day of April, 2014.



ALAN J. BAVERMAN
UNITED STATES MAGISTRATE JUDGE